

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss.

BARNSTABLE SUPERIOR COURT
C.A. No.:1672CV00234

JENNIFER CARROLL,
Plaintiff

v.

BARNSTABLE HOUSING AUTHORITY
AND RALPH J. PERRY, INC.
Defendants

FIRST AMENDED COMPLAINT

NOW, comes the Plaintiff Jennifer Carroll and says as follows;

Parties

1. The Plaintiff is Jennifer Carroll, an individual who resides at 141 Monomoy Circle, Centerville, Massachusetts.
2. The Defendant is the Barnstable Housing Authority, with offices and a principal place of business at 146 South Street, Hyannis, Massachusetts.
3. The Defendant is Ralph J. Perry, Inc. a corporation that has a usual place of business of 96 Falmouth Road, Hyannis, Massachusetts, 02601.

Presentment

4. On September 28, 2015, the Plaintiff, through her counsel, forwarded, via Certified Mail return receipt requested a notice of presentment of a claim, pursuant to M.G.L. ch. 258, §4, including demand, to the Chairman of Barnstable Housing Authority and the Town of Barnstable. A true and correct copy of the same, along with the signed returns are attached hereto, collectively, as Exhibit A.
5. The defendant Barnstable Housing Authority, within six (6) months after the presentments of the subject claim, have neither denied, reached final arbitration, settled; or compromised the same.

Facts

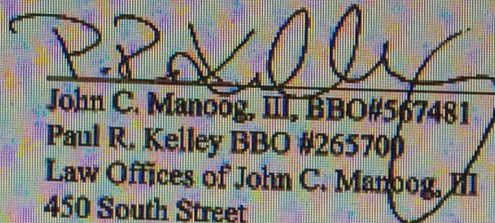
6. On or about February 20, 2015 the Plaintiff Jennifer Carroll was lawfully at the premises of Barnstable Housing Authority property at 54 Sea Street Extension, Hyannis, Ma.
7. The Defendant Barnstable Housing Authority owns, manages, leases, or maintains the property at 54 Sea Street Extension, Hyannis, Ma.
8. While at the Defendant's property on February 20, 2015 the Plaintiff Jennifer Carroll went to the laundry room. While in the laundry room she sat down on a chair. Upon arising from the chair she struck a fire extinguisher with her shoulder.
9. The fire extinguisher was hanging on a broken hook and not secured to the wall. It fell and landed on Plaintiff Jennifer Carroll's left foot.
10. The fire extinguisher was owned, maintained or serviced by the Defendant Ralph J. Perry, Inc.
11. The improperly secured fire extinguisher was a dangerous and/or defective condition.
12. The presence of the said dangerous and/or defective condition was due to the negligence of the Defendants Barnstable Housing Authority and/or Ralph J. Perry, Inc..
13. Prior to the Plaintiff's injury, the Defendants knew or should have known of the presence of the dangerous and/or defective condition and taken steps to rectify it.
14. As a direct and proximate result of the negligence of the Defendants, the Plaintiff sustained personal injuries, was caused to experience pain and suffering, was caused to incur expenses for her medical care and treatment, was caused to lose wages, was caused to suffer permanent impairment and was otherwise harmed and damaged.

WHEREFORE, Plaintiff demands judgment in her favor against the Barnstable Housing Authority and Ralph J. Perry, Inc. in an amount to be determined by the Court, together with costs, interest and such other relief as the Court deems fair and reasonable.

JURY DEMAND

The Plaintiff, Jennifer Carroll, demands a Trial by Jury as to all issues so triable herein

Respectfully submitted
PLAINTIFF
By her attorneys,



John C. Manoog, III, BBO#567481
Paul R. Kelley BBO #265700
Law Offices of John C. Manoog, III
450 South Street
Hyannis, MA 02601
508-775-0088